

*United States Attorney
Southern District of New York*

Enclosure

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| UNITED STATES OF AMERICA | : | |
| | : | |
| - v. - | : | [PROPOSED] |
| | : | <u>PROTECTIVE ORDER</u> |
| NICHOLAS MITSAKOS, | : | |
| | : | 16 Cr. 631 (DC) |
| Defendant. | : | |
| | : | |
| - - - - - | x | |

HONORABLE DENNY CHIN, United States District Court:

On the motion of the United States of America, by Joon H. Kim, Acting United States Attorney, through his counsel, Robert Allen, Assistant United States Attorney ("the Government"), pursuant to Federal Rule of Criminal Procedure 16(d), on consent of defendant Nicholas Mitsakos, through his counsel, Eric Creizman, Esq., and for good cause shown,

IT IS HEREBY ORDERED:

1. This Protective Order supplements the November 21, 2016 Order signed by the Honorable Paul A. Engelmayer, United States District Judge, governing certain materials produced by the Government to Mitsakos. See Protective Order, *United States v. Nicholas Mitsakos*, 16 Cr. 631 (DC) [Dkt. 21] (the "November 21 Order").

2. The defense agrees that, with respect to any materials produced by the Government, the Government may at any time during the pendency of this proceeding designate documents or materials as "Highly Confidential," when, in the good faith determination of the Government, disclosure of such documents or materials is prohibited by statute or regulation or otherwise is not in the public interest. The defendant and his counsel will not attach any materials designated Highly Confidential pursuant to this Order to any public filings with the Court or publicly disclose any such materials, or their contents in any other manner, without prior notice to the Government. If the defense and the Government cannot agree on the manner in which the documents or their contents may be publicly disclosed, the parties shall seek resolution of such disagreements by the Court.

3. "Highly Confidential" materials will additionally be subject to the restrictions on "Confidential Information" included in November 21 Order.

4. If any dispute should arise between the parties to this action as to whether any documents, materials or other information is Highly Confidential subject to the provisions of this Order, such documents, materials and information shall be

considered Highly Confidential pending further Order of this Court.

5. This Order may be signed in counterparts and transmitted by facsimile and/or electronic copy, each of which counterparts will be deemed to be an original and which taken together will constitute the Order.

Dated: New York, New York
September ____, 2017

AGREED AND CONSENTED TO:

JOON H. KIM
ACTING UNITED STATES ATTORNEY

By: /s/ Robert Allen
Robert Allen
Assistant United States Attorney

Eric Creizman
Eric Creizman, Esq.
Counsel for Nicholas Mitsakos

SO ORDERED:

HONORABLE DENNY CHIN
UNITED STATES DISTRICT COURT